

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARY WICKENKAMP,

Plaintiff,

No. 2:15-cv-330-PK

v.

FRED STEEN, STEVE ROGERS,
BETH HULSE, TOM HACK, SHELLY
STEEN, ERIC STEEN, JOHN DOES
NOS. 1-2, and JANE DOE NO. 1,

ORDER

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [40] on October 1, 2015, in which he recommends that this Court grant Defendant Fred Steen's motion to dismiss [23] and deny Plaintiff Mary Wickenkamp's motion to amend complaint [28]. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Plaintiff's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [40]. Defendant Steen's motion [23] is granted as discussed in the record and Plaintiff Wickenkamp's motion [28] is denied as discussed in the record.

Accordingly, Plaintiff's first, fourth, sixth, seventh, and tenth claims are dismissed with prejudice in their entirety. Plaintiff's third and eighth claims are dismissed with prejudice to the extent alleged against Defendant Steen either in his individual or his official capacities. Plaintiff's ninth claim is dismissed with prejudice to the extent alleged against Defendant Steen in his individual capacity. To the extent Plaintiff's ninth claim is alleged against Defendant Steen in his official capacity, Plaintiff's claim should be construed as alleged against Wallowa County rather than against Steen. To the extent not dismissed with prejudice as recommended above, Plaintiff's second, fifth, eighth, and ninth claims should be dismissed without prejudice.


Plaintiff is directed to amend her pleading in a manner compliant with Federal Civil Procedure rule 8(a) within thirty days to restate her allegations in support of any of her claims that survive dismissal with prejudice to the extent she can in good faith cure any deficiencies identified therein through amendment.

To the extent that any claims stated by and through such amended pleading are alleged against any defendant not yet served with process, Plaintiff is directed to effect service on every

such defendant within thirty days after such amended pleading is filed or face summary dismissal of her claims to the extent alleged against unserved defendants pursuant to Federal Civil Procedure Rule 4(m).

IT IS SO ORDERED.

DATED this 13 day of November, 2015.


MARCO A. HERNÁNDEZ
United States District Judge